

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 03 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	34-36 Charles Street, London, W1J 5EB		
Proposal	Erection of roof enclosure to convert part of the existing 5th floor level flat roof into a roof bar and terrace and extension at fifth floor level onto existing flat roof all in connection with existing hotel (Class C1). Relocation of existing air conditioning units to within new roof enclosure		
Agent	Cooley Architects		
On behalf of	Chesterfield Mayfair Hotel Limited		
Registered Number	17/04745/FULL	Date amended/ completed	27 June 2017
Date Application Received	30 May 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is an unlisted building in the Mayfair Conservation Area and the Core Central Activities Zone (CAZ). The property is located on the corner of Charles Street and Queen Street and comprises of basement, ground and four upper floors. It forms part of the Chesterfield Mayfair Hotel. Permission is sought to allow the erection of a dummy mansard roof enclosure to convert part of the existing 5th floor flat roof into a roof bar and terrace and extension at fifth floor level onto the existing flat roof, all in connection with existing hotel. Existing air conditioning units will be re-located into the dummy mansard.

The key issues for consideration are:

- The impact of the proposals upon the amenity of neighbouring residential properties, and
- The acceptability of the proposals upon the appearance of the building and the character and appearance of the conservation area.

Following revisions to the detailed design of the dummy mansard, the proposal is considered acceptable in design terms.

Three objections have been received raising concern regarding the impact on amenity of the proposal. Due to the design of the dummy mansard and distance between the site and the objectors, it is considered that there would be limited impact to residential amenity. Subject to conditions restricting capacity, hours, use by hotel guests only and no music to be played, it is considered that the objections cannot be upheld and that the proposed bar/terrace is considered acceptable in amenity and land use terms.

Accordingly, the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

View of application site from street level (the corner of Charles Street and Queen Street)



5. CONSULTATIONS

RESIDENTS' SOCIETY OF MAYFAIR AND ST JAMES'S

No response to date

ADJOINING OWNERS AND OCCUPIERS:

No. consulted: 92

No. responded: 3

Three objections (one on behalf of a residents company) raising some or all of the following grounds:

- Amenity impacts of the proposed use (conditions requested)
- Objection to the retractable roof
- Request for no vehicle access for the works from Clarges Mews

SITE AND PRESS NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an unlisted building in the Mayfair Conservation Area and the Core Central Activities Zone (CAZ). The property comprises of basement, ground and four upper floors. It is located on the corner of Charles Street and Queen Street and forms part of the Chesterfield Mayfair Hotel (which also occupies the large modern tower to the rear and the two upper most floors of Dartmouth House (37-38 Charles Street, The English Speaking Union). Clarges Mews is located to the rear of the site.

6.2 Recent Relevant History

None applicable

7. THE PROPOSAL

Permission is sought to allow the erection of a dummy mansard roof enclosure to convert part of the existing 5th floor level flat roof into a roof bar and terrace in connection with existing hotel (Class C1). The dummy mansard will extend along both the Charles Street and Queen Street elevations and create a double pitched roof effect, on top of the existing mansard. A small extension at fifth floor level, onto the existing flat roof, is also proposed to accommodate two toilets for the terrace. Relocation of existing air conditioning units to within new roof enclosure will also be undertaken. The detailed design of the proposed dummy mansard has been amended during the application to address officers' concerns.

8. DETAILED CONSIDERATIONS

8.1 Land Use and Amenity

UDP Policy TACE 2 states that new hotels and extensions to existing ones within streets in the Core CAZ which do not have a predominantly residential character will be granted permission where there are no adverse environmental and traffic effects, and where adequate on-site facilities are incorporated within developments proposing significant amounts of new visitor accommodation. City Plan Policy S23 encourages proposals to improve the quality and range of hotels.

The supporting text to UDP Policy TACE 2 states, where appropriate, the City Council will attach conditions to planning permissions for hotel development to ensure that functional areas within hotels, such as restaurants, bars, etc., are restricted to use by resident hotel guests only and that such areas are used only in conjunction with the main use of the building as a hotel.

Policy S29 of the City Plan relates to health, safety and wellbeing and states that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP aims to safeguard residents' amenities, and states that the City Council will resist proposals which result in a material loss of daylight/sunlight, increase in the sense of enclosure to windows or loss of privacy or cause unacceptable overshadowing to neighbouring buildings or open spaces.

Council records indicate that there are a large number of residential premises surrounding the site at Nos. 11 and second and third floors of 12 Queen Street, Nos. 13, 14, 15 (Rosebery Court), 17, 18 and 18a Charles Street. The rear of 7 Curzon Street (also in residential use) has residential units backing onto Clarges Mews.

Landuse:

The proposal will provide a terrace/bar area for use in association with the existing hotel. No additional visitor accommodation will be provided as a result of the proposals. The small area to be extended provides toilet facilities for the proposed terrace/bar.

The applicant has stated that it considers the proposal to be of a modest scale due to its intention to have no more than 60 people in the terrace/bar area at any one time. Furthermore, the applicant has agreed to conditions restricting the hours of use for the terrace/bar area to 10:00-23:00 daily and for the terrace to only be used by hotel guests.

In the context of the site's location within the Core CAZ in an area of mixed character, subject to these conditions, there is no objection in principle to the proposed roof terrace.

Noise:

Objections have been received from flats in Rosebery Court and 7 Curzon Street on the grounds of impact on amenity from noise. The design of the proposal is such that, due to the shielding nature of the dummy pitched roof to the front elevations, Rosebury Court would be largely protected from any noise impacts. Additionally, Rosebury Court is not located directly opposite the part of the roof proposed for the terrace/bar area.

Two objections have raised concern regarding the impact of the retractable roof. However, these are in reference to the noise impact when this would be open. The proposal is for an open terrace, which would be partly covered by the retractable roof. It is therefore considered that these aspects of the objections should be considered as part of the amenity issues raised and cannot be upheld on their own.

Given the outdoor nature of the terrace/bar area, it is considered necessary and appropriate to restrict the nature of the use (hours, capacity and hotel guests only) in line with that requested by the applicant to minimise the impact on residential amenity. Additionally, a condition prohibiting the playing of amplified music is recommended. These conditions would be considered sufficient to overcome the objections on amenity grounds. Furthermore, the terminal hour of 23:00 is in line with the terminal hour requested by one of the objectors. The application is therefore considered acceptable on noise grounds subject to conditions, and the objections cannot be upheld.

Daylight and Sunlight:

No daylight and sunlight report has been submitted in support of the application. However, due to the small increase in height bulk, it is not anticipated that there would be any noticeable loss of light to surrounding residential properties.

Overlooking:

The proposed additional roof on the Charles Street and Queen Street elevations measures 2.0m high and would therefore not allow for any overlooking to occur towards the properties opposite the site. The terraced area is set back from the roof line at the rear of the building by 1.5m. Additionally, the rear of the properties on Queen Street are at an oblique angle to the application property so this, combined with the setback terrace, is considered to overcome any significant impact from overlooking to these properties. No objections have been received from the properties on Queen Street.

The distance from the rear of the Charles Street building facade to the rear of 7 Curzon Street is approximately 24m. This is considered a significant distance and, combined with the barrier to most of 7 Curzon Street created by the large block at the rear of the hotel, means that very few parts of 7 Curzon Street have a direct line/view of the application site.

The application is therefore not considered to create any overlooking issues and is acceptable in amenity terms.

For these reasons the application is acceptable in amenity terms and complies with Policies ENV 13 of the UDP and S29 of the Westminster City Plan.

8.2 Townscape and Design

34-36 Charles Street makes a positive contribution to the character and appearance of the conservation area. It has four storeys above street level with an additional roof storey - a single pitch dormered mansard except in the central pavilion where the roof storey is sheer. The roof height is consistent between mansard and the parapet of the sheer section. The building to the east (the English Speaking Union) is considerably taller than the application property. It is grade II* listed. To the south of the application site is 11 Queen Street, which is shorter than the application site, and is grade II listed.

The proposed works are a false roof forming a secondary slope to the existing mansard, which will enclose a new roof terrace with bar area, retractable roof and toilets. As originally proposed, the design of the roof was unacceptable. The build-up of the parapet was considered to be unacceptable, resulting in an awkwardly proportioned central pavilion, with an expanse of blank brickwork. A further mansard on top of that would also have been unacceptable. It also featured an unacceptable sheer extension to the Queen Street party wall.

The original design has been amended to address officer's concerns. There is no longer an extension to the sheer section of the roof storey; the new mansard now runs along the whole width of the building, and the return to Queen Street has been changed from a blank party wall to a hipped mansard. A two pitch mansard is not contrary to policy, and this form exists elsewhere on Charles Street. The principle of the additional roof slope is therefore acceptable.

11 Queen Street is considerably lower than the application site; the relationship between the extension and 11 Queen Street is therefore particularly important. This part of the site is also readily visible from street level views. The hipped secondary roof slope now results in a better transition between the proposal and the adjoining building. Following revisions, the false nature of the secondary roof slope is no longer evident from street level views.

In private views from the south of the building the new roof terrace, with its retractable roof, bar area and the enclosing roof slope will all be visible. However this is considered to be acceptable in design terms. Existing rooftop plant is to be moved to within the angle of the new roof slope which is welcomed.

The current proposal is considered to be acceptable in terms of its impact on the conservation area, and on the adjacent listed buildings. The application is therefore acceptable in design terms and complies with Policies S28 of Westminster's City Plan and DES 1, DES 5, DES 9 and DES 10 of the UDP.

8.3 Transportation/Parking

Not applicable

8.4 Economic Considerations

Any economic benefits deriving from the proposal are welcome.

8.5 Access

Access to the proposed terrace/bar will only be through the existing hotel. Access arrangements to the hotel will remain unchanged.

8.6 Other UDP/Westminster Policy Considerations

None applicable

8.7 London Plan

This application raises no strategic issues.

8.8 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.9 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.10 Environmental Impact Assessment

Not Applicable

8.11 Other IssuesConstruction impact

One objection has stated that there should be no access or vehicles for the proposed works from Clarges Mews. There is currently no vehicle access to the rear of the property from Clarges Mews due to the location of two bollards. The part of Clarges Mews behind the site would also be considered too small to get a standard vehicle down, let alone a construction vehicle. Additionally, the area of the proposal is some distance from the Mews and it would be difficult to access the roof from this location. It would therefore be unreasonable to withhold permission on these grounds and it is not considered that the objection on these grounds can be upheld.

9. BACKGROUND PAPERS

1. Application form
2. Letter from occupier of 7 Curzon Street, London, dated 24 July 2017
3. Letter from occupier of Flat 4, 7 Curzon Street, dated 24 July 2017
4. Letter from occupier of Rosebery Court, 15 Charles Street, dated 21 July 2017

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

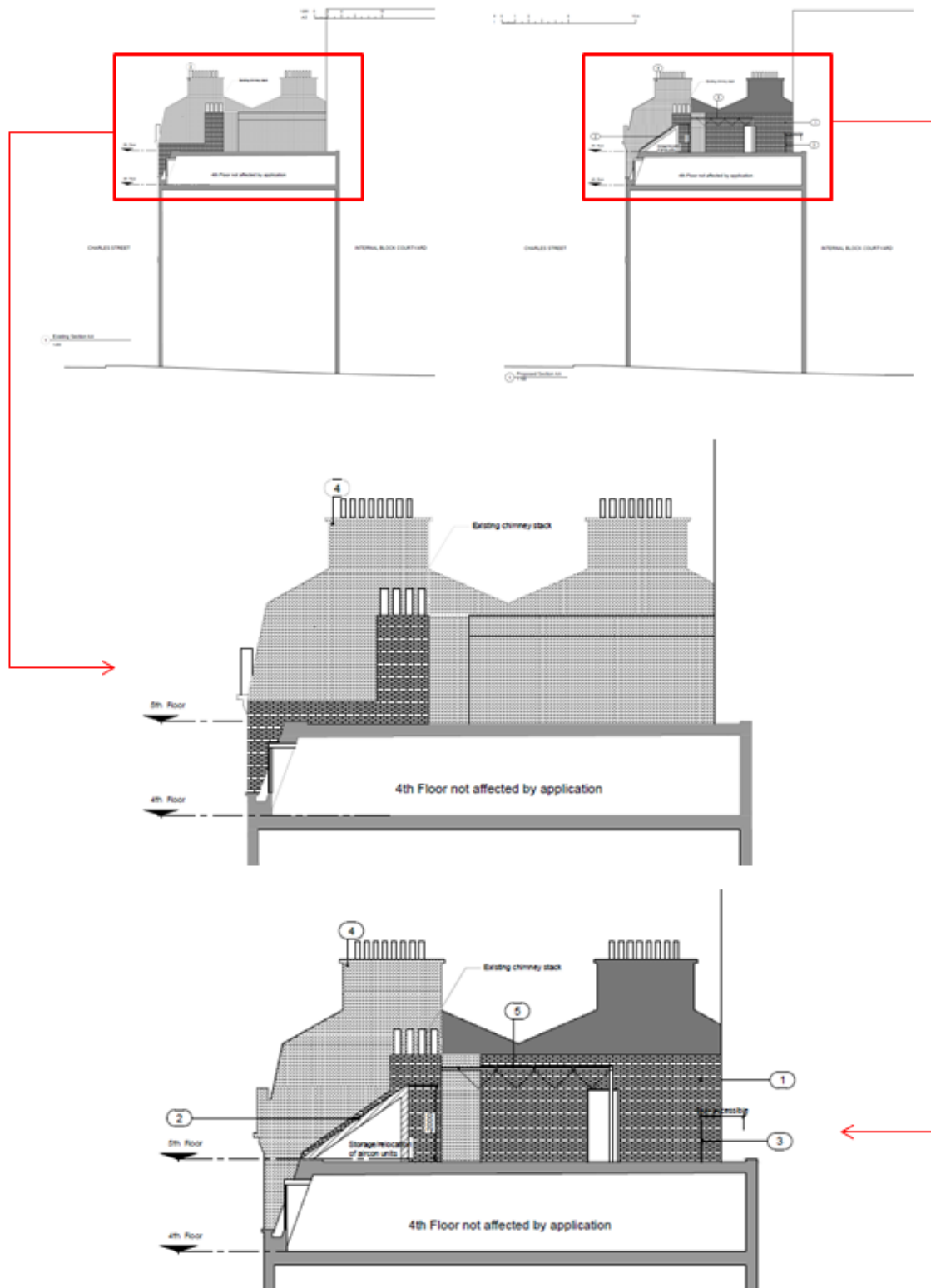
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

10. KEY DRAWINGS

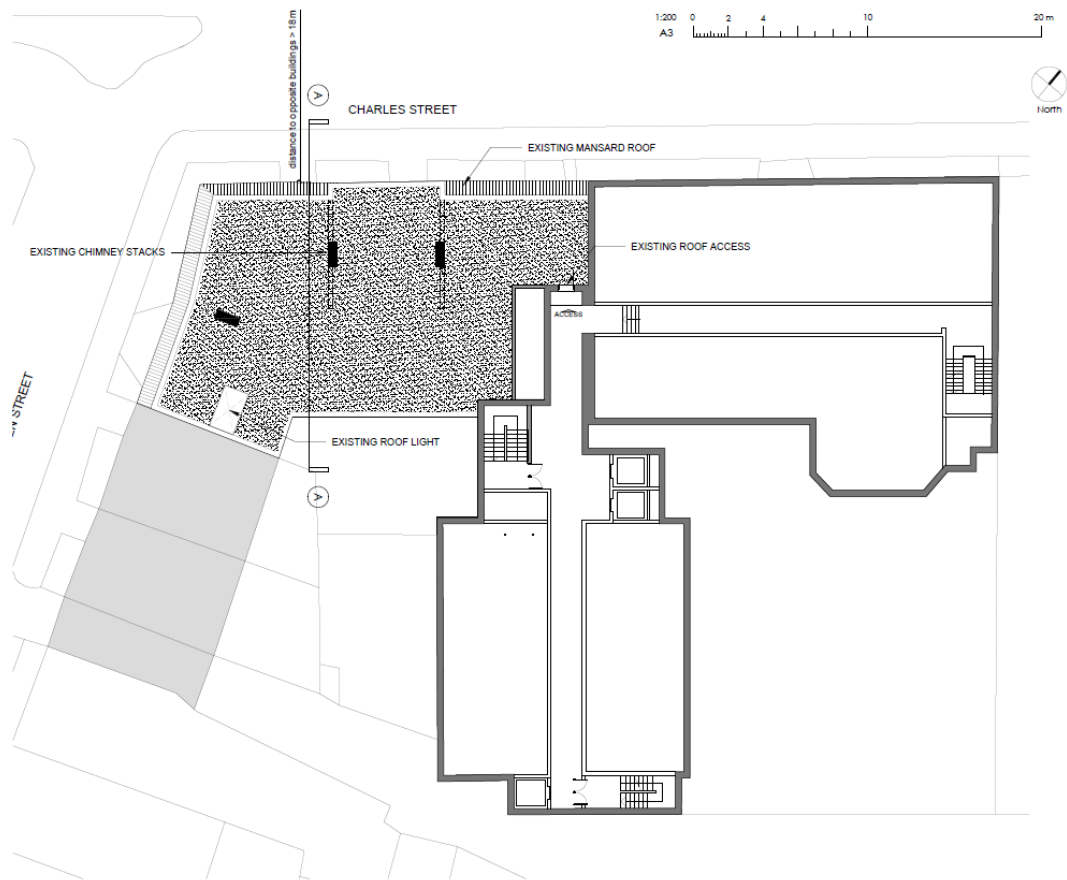
Existing/Proposed Elevations



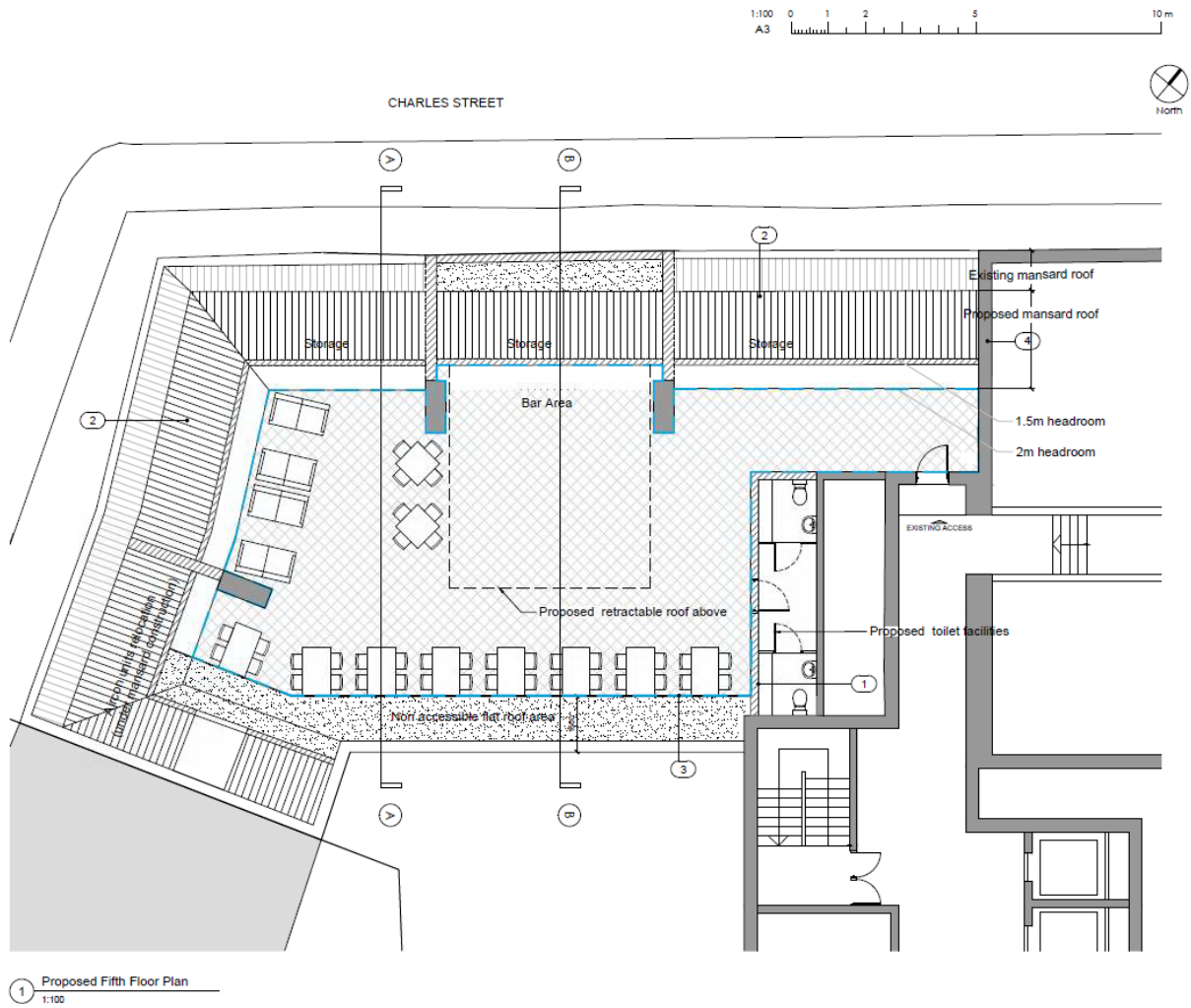
Existing/Proposed Section AA

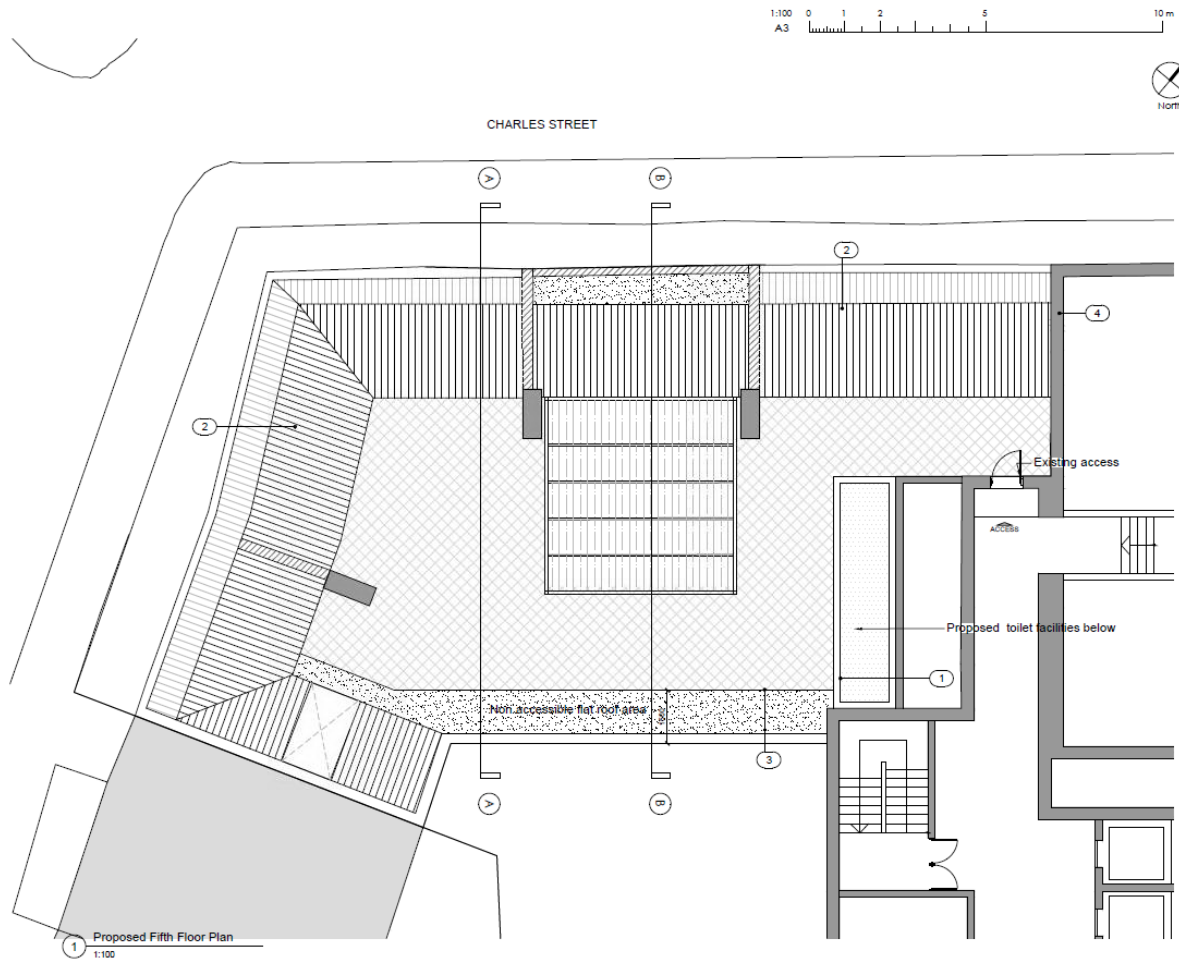


Existing roof/5th floor plan



1 Existing Fifth Floor Plan
1:200

Proposed 5th floor plan

Proposed roof plan

DRAFT DECISION LETTER

Address: 34-36 Charles Street, London, W1J 5EB,

Proposal: Erection of roof enclosure to convert part of the existing 5th floor level flat roof into a roof bar and terrace and extension at fifth floor level onto existing flat roof all in connection with existing hotel (Class C1). Relocation of existing air conditioning units to within new roof enclosure.

Reference: 17/04745/FULL

Plan Nos: 867 DG XX04 Rev. B ; 867 DG 05 01 Rev. E ; 867 DG XX01 Rev. E ; 867 DG XX03 Rev. C ; 867 DG 0R01 Rev. B ; 867 DG XX02 Rev. D

Case Officer: Adam Jones

Direct Tel. No. 020 7641 1446

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are

shown on the drawings we have approved or are required by conditions to this permission.
(C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.
(R26BE)

- 4 The hereby approved roof top bar and terrace shall only be for use by guests of the associated hotel.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE2 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 5 Guests of the hotel shall only be permitted to use the roof top bar and terrace between the hours of 10:00-23:00 daily.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE2 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 6 You must not allow more than 60 guests onto the roof top bar and terrace at any one time.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE2 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 7 You must not play live, recorded or amplified music on the roof top bar and terrace

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE2 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 8 You must apply to us for approval of detailed drawings of the following parts of the development - i) the retractable roof; ii) the roof terrace railings. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in

January 2007. (R26CD)

- 9 The proposed roof slates and roof terrace balustrade must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 10 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 3 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 4 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 5 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
 - * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - * Lighting - ensure luminaires can be safely accessed for replacement.
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.